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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,250

05/11/2007

Kiyoshi Matsuo

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7029

36183

7590

01/23/2009

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EXAMINER

TRA, TUYEN Q

ART UNIT

PAPER NUMBER

2873

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,250	<b>Applicant(s)</b> MATSUO ET AL.	
	<b>Examiner</b> TUYEN Q. TRA	<b>Art Unit</b> 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0906(x2)</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Oath/Declaration***

1. The Oath/Declaration filed 05/11/2007 is considered.

***Drawings***

2. The drawings filed 05/11/2007 are accepted.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 09/15/2006 is being considered by the examiner.

***Claim Objections***

4. Claim 2 recited "the object image" in line 16. There is insufficient antecedent basis for this limitation in the claim because "the object image" is not previously mentioned.

Claim 6 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1 and 3-5. See MPEP § 608.01(n). Accordingly, the claim 6 has not been further treated on the merits.

Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1 and 3-6. See MPEP § 608.01(n). Accordingly, the claim 7 has not been further treated on the merits.

Claim 8 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1 and 3-7. See MPEP § 608.01(n). Accordingly, the claim 8 has not been further treated on the merits.

Claim 13 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 2 and 10-13. See MPEP § 608.01(n). Accordingly, the claim 13 has not been further treated on the merits.

Claim 14 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 2 and 10-13. See MPEP § 608.01(n). Accordingly, the claim 14 has not been further treated on the merits.

Claim 15 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 2 and 10-14. See MPEP § 608.01(n). Accordingly, the claim 15 has not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-16 are rejected under 35 U.S.C. 102(a) as being by Ryll (U.S. Patent 5,813,990).

With respect to claim 1, Ryll discloses a main body (figure 2, element 20) that can be worn on a user's head; and a display member (figure 2, element 48, image 102) for displaying an object image, said display member (48) being provided on or in said main body (20) in such a manner that it is not very clearly visible for said user when said user wearing said main body on his or her head looks straight ahead, and that it becomes clearly visible for said user when said user moves his or her eyes down, the apparatus offers good visibility for said user when said user wearing said main body on user's head

looks straight ahead, wherein the apparatus has image generating means (figure 6 show whole image generating means to display 48) for generating an image (102) which shuttle in a horizontal direction with respect to the user and displaying the generated object image on the display member, and the object image (102) has a function that if the user looks down to follow the object image with the user's eyes, his or her fatigue is relieved.

With respect to claim 2, Ryll discloses a main body (figure 2, element 20) that can be worn on a user's head; and a light emitting section (figure 7, element 100) having a plurality of light emitting members (figure 7, element 100a-100f) arranged in a line, said light emitting member (100a-100f) being provided on or in said main body (20) in such a manner that it is not very clearly visible for said user when said user wearing said main body on his or her head looks straight ahead, and that it becomes clearly visible for said user when said user moves his or her eyes down, the apparatus (figure 1) offers good visibility for said user when said user wearing said main body on user's head looks straight ahead, wherein the apparatus has light emission signal generating means (in figure 6 shows an element generating light emission signal for display element 48) for generating a light emission signal that allows the plurality of light emitting members (100a-100f) to emit light so that a light image obtained by allowing the plurality of light emitting members (100a-100f) to sequentially emit light shuttle in a horizontal direction with respect to the user and allowing the plurality of light emitting members to emit light on the basis of the generated light emission signal (col. 5, line 66 – col. 6, line 10), and the light image has a function that if the user looks down to follow the object image with the user's eyes, his or her fatigue is relieved(column 4, lines 20-25).

With respect to claim 3, Ryll further discloses wherein the display member (48) is provided in the main body so as to become clearly visible for said user only when said user moves his or her eyes down at an angle larger than 20 degrees.

With respect to claim 4, Ryll further discloses wherein the display member (48) has a width and a length, and the object image shuttles in a longitudinal direction of the display member.

With respect to claim 5, Ryll further discloses wherein the image generating means (in figure 6) generates the object image such that the object image makes a change that promotes the user to blink.

With respect to claim 6, Ryll further discloses wherein the image generating means (in figure 6) generates the object image at a timing.

With respect to claim 7, Ryll further discloses wherein the display member (48) includes a right-eye display member located below the user's right eye and a left-eye display member located below the user's left eye.

With respect to claim 8, Ryll further discloses wherein the main body (20) is shaped like glasses (see figure 1).

With respect to claim 9, Ryll further discloses wherein the main body (20) comprises glasses frames having lower frames, and the display member is provided on the lower frames of the glasses frames.

With respect to claim 10, Ryll further discloses wherein the light emitting section (100a-100f) is provided in the main body so as to become clearly visible for said user only when said user moves eyes down at an angle larger than 20 degrees.

With respect to claim 11, Ryll further discloses wherein the light emitting section (100a-100f) has a width and a length, and the light image shuttles in a longitudinal direction of the light emitting section.

With respect to claim 12, Ryll further discloses wherein the light emission signal generating means (in figure 6) generates the image light such that the image light makes a change that promotes the user to blink.

With respect to claim 13, Ryll further discloses wherein the light emission signal generating means (48) generates the image light at a predetermined timing.

With respect to claim 14, Ryll further discloses wherein the light emitting section (48) includes a right-eye light emitting section located below the user's right eye and a left-eye light emitting section located below the user's left eye.

With respect to claim 15, Ryll further discloses wherein the main body (20) is shaped like glasses (in figure 1).

With respect to claim 16, Ryll further discloses wherein the main body (20) comprises glasses frames having lower frames, and the light emitting section is provided on the lower frames of the glasses frames(in figure 1).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUYEN Q. TRA whose telephone number is (571)272-2343. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuyen Q Tra/  
Examiner, Art Unit 2873

/HUNG X. DANG/  
Primary Examiner, Art Unit 2873